



United States Department of Agriculture

CHILD NUTRITION PROGRAM STATE WAIVER REQUEST TEMPLATE

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), provides authority for USDA to waive requirements for State agencies or eligible service providers under certain circumstances. When requesting the waiver of statutory or regulatory requirements for the Child Nutrition Programs (CNP), including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the National School Lunch Program (NSLP), the Fresh Fruit and Vegetable Program (FFVP), the Special Milk Program (SMP), and the School Breakfast Program (SBP), State agencies and eligible service providers should use this template. State agencies and eligible service providers should consult with their FNS Regional Offices when developing waiver requests to ensure a well-reasoned, thorough request is submitted. State agencies and eligible service providers are encouraged to submit complete waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to the anticipated implementation should be accompanied by an explanation of extenuating circumstances.

For more information on requests for waiving Program requirements, refer to SP 15-2018, CACFP 12-2018, SFSP 05-2018, *Child Nutrition Program Waiver Request Guidance and Protocol- Revised*, May 24, 2018.

1. State agency submitting waiver request and responsible State agency staff contact information:

Illinois State Board of Education, Nutrition Department
Mark Haller, Director Nutrition
mhaller@isbe.net
(217) 782-2491

2. Region:

Midwest Region

3. Eligible service providers participating in waiver and affirmation that they are in good standing:

Any Illinois State Board of Education (ISBE) approved FDCH sponsor who meets all the following requirements:

- In good standing; and
- Approved by ISBE to operate a Child Nutrition Program

4. Description of the challenge the State agency is seeking to solve, the goal of the waiver to improve services under the Program, and the expected outcomes if the waiver is granted. [Section 12(l)(2)(A)(iii) and 12(l)(2)(A)(iv) of the NSLA]:

Illinois State Board of Education Nutrition Department is requesting a state – wide waiver that would allow Day Care Home Sponsoring Organizations the opportunity to conduct 2 of 3 in person meal service reviews virtually during the fiscal year. The contingency of this waiver will be based on Day Care Home sites located in unsafe and high crime areas of Illinois.

Day Care Home Sponsors have shared an increase in concerns regarding the safety of Field Monitors when conducting in person meal service reviews in areas with higher crime rates than the national average. Illinois has continued to see a crime rate at 4.3 per 1,000 residents, as compared to 4.0 nationwide in areas of Illinois. Personal crime, vehicle theft and gun violence have increased in the past 2 years across Illinois and as a result Day Care Home Sponsors are struggling to hire and keep monitors willing to conduct reviews in homes located within areas with high crime rates.

ISBE desires to provide administrative and operational flexibility to Day Care Home Sponsors, where possible, while maintaining program integrity in providing nutritious meals to Day Care Homes.

The goal of this requested waiver is to allow Day Care Home Sponsors to conduct the 2nd and the 3rd in person meal service review virtually when a provider is in an area, defined by a zip code, address block, or distance from a reported crime with a crime rate 100% higher than the national average and has received an F rating with statistics established from Crime Grate as of October 1, 2023. Along with applying for this waiver, Day Care Home Sponsor will also be required to complete an ISBE form indicating Day Care Home site, location's current crime rate, and crime grade (using crimegrade.org). ISBE will review and approve requests that meet the crime rate and crime grade guidelines.

ISBE believes this waiver will allow Day Care Home Sponsors to continue providing meal service with integrity per CACFP guidelines and improve the personal safety to the Field Monitors with Illinois Day Care Home Sponsors.

5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(l)(2)(A)(i) of the NSLA]:

ISBE's Nutrition Department is requesting a waiver to the following regulations and requirements to be performed offsite for two monitoring reviews per provider:

7 CFR 226.16(d)(4)(iii) Frequency and type of required reviews, specifically all three reviews must be conducted on-site.

6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:

Day Care Home Sponsors who intend to participate in this waiver will fill out a monitoring waiver request form with ISBE for approval including the Day Care Home site address as well as the areas crime rate and crime grade.

Day Care Home Sponsors will also confirm on the form their agreement that both the Field Monitor and the Day Care Home provider has access to an electronic device to conduct a virtual review. Day Care Home Providers who do not have access to an electronic device to

conduct the review virtually do not qualify to have their reviews done virtually.

7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(l)(2)(A)(ii) of the NSLA]:

ISBE Program Staff have given guidance to Day Care Home Sponsors on taking precautions with meal service reviews that include, sending more than one monitor, calling the Day Care Home provider ahead of time to meet them outside and rescheduling the review when Field Monitors come across an unsafe situation upon arrival to the site.

8. Anticipated challenges State or eligible service providers may face with the waiver implementation:

ISBE does not anticipate any challenges to this waiver being implemented and believes it will be a relief for Day Care Home Sponsors who are struggling to hire and keep monitors who are willing to travel to locations of Illinois with high crime rates.

9. Description of how the waiver will not increase the overall cost of the Program to the Federal Government. If there are anticipated increases, confirm that the costs will be paid from non-Federal funds. [Section 12(l)(1)(A)(iii) of the NSLA]:

The waiver will not increase the cost of the Program to the Federal Government.

10. Anticipated waiver implementation date and time period:

Effective immediately upon approval by the USDA through September 30th, 2024

11. Proposed monitoring and review procedures:

Monitoring procedures will continue to be conducted as normal per USDA federal guidelines under this waiver. Technical assistance will be provided to Day Care Home Sponsors who need further directive conducting meal service reviews virtually.

12. Proposed reporting requirements (include type of data and due date(s) to FNS):

ISBE will collect and report all FNS data required by USDA including challenges and success with implementation. Further, ISBE will report all instances of waiver usage including the data submitted to determine that virtual monitoring was allowable, a list of findings from 2nd virtual monitoring visits and the corrective action follow-up. This report will be submitted to FNS no later than December 31, 2024.

13. Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(l)(1)(A)(ii) of the NSLA]:

<https://www.isbe.net/Pages/Family-Day-Care-Homes.aspx>

14. Signature and title of requesting official:



Mark R. Haller, Director, Nutrition

Requesting official's email address for transmission of response: mhaller@isbe.net

TO BE COMPLETED BY FNS REGIONAL OFFICE:

FNS Regional Offices are requested to ensure the questions have been adequately addressed by the State agency and formulate an opinion and justification for a response to the waiver request based on their knowledge, experience, and work with the State.

Date request was received at Regional Office:

- ☐ **Check this box to confirm that the State agency has provided public notice in accordance with Section 12(l)(1)(A)(ii) of the NSLA**

• Regional Office Analysis and Recommendations: